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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,539	03/13/2001	Diane L. Deering	D15-003-02-US	2687

22854 7590 12/29/2003  
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MINNEAPOLIS, MN 55402

EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/805,539

Applicant(s)

DEERING ET AL.

Examiner

Fredrick C Conley

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

8/8/03 and

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5-7, 9, 11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-7, 9, 11 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

Claims 5-7, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,919,721 to Earhart in view of U.S. Pat. No. 5,245,717 to Rudy, and in view of U.S. Pat. No. 4,535,481 to Ruth-Larson et al.

In reference to claim 5, Earhart discloses a blanket comprising:

a substantially rectangular blanket 10 having a first surface and a second surface, said blanket having opposing first and second side edges and opposing top and bottom edges which are shorter than said opposing side edges, said blanket having a half portion of said blanket adjacent to said top edge of said blanket, said blanket having a middle third portion;

a foot pocket 19 comprising a panel having two opposing first and second edges and two opposing top and bottom edges, said pocket panel being connected to said blanket at said first edge, second edge and bottom edge of said pocket panel, said bottom edge of said pocket panel coinciding with both the middle third portion of said blanket and the bottom edge of said blanket for warming feet. Earhart discloses all of the Applicant's claimed limitations except for a pair of sleeves. Rudy discloses a blanket having a pair of sleeves 120 having apertures 111 defined at a shoulder end. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ sleeves in order to prevent any cooling discomfort of the arms and shoulders. Earhart also fails to disclose the apertures having an oblong shape. Ruth-Larson discloses sleeves having oblong shaped apertures (fig. 2). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the apertures of Earhart with an oblong shape in order to allow greater freedom of movement for a persons arms.

Regarding claims 6-7, Ruth-Larson discloses sleeves having oblong shaped apertures having a vertical orientation and an oblique orientation relative to a horizontal center line (fig. 2).

Regarding claim 9, wherein the sleeve apertures are spaced along the horizontal center line (fig. 1-2)(Ruth-Larson).

In reference to claim 13, Earhart discloses a blanket comprising:  
a substantially rectangular blanket 10 having a first surface and a second surface, said blanket having opposing first and second side edges and opposing top and bottom edges which are shorter than said two opposing side edges, said blanket having a half portion of said blanket adjacent to said top edge of said blanket, said blanket having a middle third portion. Earhart discloses all of the Applicant's claimed limitations except for a pair of sleeves and sleeve apertures. Rudy discloses a blanket having a pair of sleeves 120 having apertures 111 defined at a shoulder end. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ sleeves in order to prevent any cooling discomfort of the arms and shoulders. Earhart also fails to disclose the apertures having an oblong shape and being disposed close enough to each other to provide for anterior insertion of the user's arms. Ruth-Larson discloses sleeves having oblong shaped apertures being disposed close enough to each other to provide for anterior insertion of the user's arms (fig. 2). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ oblong shaped apertures disposed close enough to each other in order to allow greater freedom of movement for a person's arms.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 3,919,721 to Earhart in view of U.S. Pat. No. 5,245,717 to Rudy, in view of U.S. Pat. No. 4,535,481 to Ruth-Larson et al, and further in view of U.S. Pat. No. 6,219,847 to Aikins.

In reference to claim 11, Earhart discloses a blanket comprising:

a substantially rectangular blanket 10 having a first surface and a second surface, said blanket having two opposing first and second side edges and two opposing top and bottom edges which are shorter than said two opposing side edges, said blanket having a middle third portion;

said blanket has a first rounded corner at the intersection of said bottom edge and said first side edge of said blanket, and said blanket has a second rounded corner at the intersection of said bottom edge and said second side edge of said blanket,

a foot pocket 19 comprising a panel having opposing first and second edges and opposing top and bottom edges, said pocket panel being connected to said blanket at said first edge, second edge and bottom edge of said pocket panel, said blanket having a half portion of said blanket adjacent to said top edge of said blanket, said bottom edge of said pocket panel coinciding with both the middle third portion of said blanket and the bottom edge of said blanket for warming feet. Earhart discloses all of the Applicant's claimed limitations except for a pair of sleeves and sleeve apertures. Rudy discloses a blanket having a pair of sleeves 120 having apertures 111 defined at a shoulder end. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ sleeves in order to prevent any cooling discomfort of the arms and shoulders. Earhart also fails to disclose the apertures having a vertical orientation and an oblique orientation relative to a horizontal center line. Ruth-Larson discloses sleeves having oblong shaped apertures having a vertical orientation and an oblique orientation

relative to a horizontal center line (fig. 2). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the apertures of Earhart with an oblong shape and vertical and oblique orientations in order to allow greater freedom of movement for a persons arms. Earhart also fails to disclose an expandable cuff and a neck portion. Aikins discloses a blanket having an expandable cuff 17 and neck portion (14-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ an expandable cuff and neck portion in order to cover most of the body without falling off.

### ***Response to Arguments***

Applicant's arguments with respect to claims 5-7, 9, 11, and 13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-2168.

FC  




**TERI PHAM LUU  
PRIMARY EXAMINER**